

APRIL MITCHELL,
Plaintiff,
V.,
CITY OF NASHVILLE,
Defendant.


No. 3:08mc0164
Judge Campbell

(1989). A complaint lacks an arguable basis in law or fact if it contains factual allegations that are fantastic or delusional, or if it is based on legal theories that are indisputably meritless. *Id.* at 327-28; *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000); *see also Lawler v. Marshall*, 898 F.2d 1196, 1198-99 (6th Cir. 1990).

The pleadings in this case comprise a complaint filed on July 17, 2008 (Docket Entry No. 1), and what appears to be an amendment to the complaint filed on July 18, 2008 (Docket Entry No. 3). Read together, the pleadings contain generalized allegations of harassment, vague claims of conspiracy, random vulgarities, and threats to kill. The pleadings also rail against homeland security, life on the streets, the President of the United States, and celebrity figures. In a word, the pleadings are “delusional.”

The district court is not required to conjure up claims to prevent *sua sponte* dismissal of a *pro se* plaintiff's incoherent and unintelligible complaint. *See* Fed. R. Civ. P. 8(a)(2); *see Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989); *Clark v. National Travelers Life Ins. Co.*, 518 F.2d 1167, 1169 (6th Cir. 1975)(*per curiam*). Rather, the district court may dismiss a complaint such as the one presently before the Court under Rule 12(b)(1), Fed. R. Civ. P. *See Duncan v. Rolm Mil-Spec Computers*, 917 F.2d 261, 263 (6th Cir. 1990); *Moir v. Greater Cleveland Reg'l Transit Auth.*, 895 F.2d 266, 269 (6th Cir. 1990). Because the complaint is delusional and does not lend itself to liberal construction, it will be dismissed as frivolous.

An appropriate Order will be entered.


Todd Campbell
United States District Judge